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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,281	06/28/2002	Mark A. Cuddihy	201-1102	2710

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EXAMINER

NGUYEN, TAI T

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 11/19/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,281

Applicant(s)

CUDDIHY ET AL.

Examiner

Tai T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown et al. (US 6,142,524).

Regarding claim 1, Brown et al. disclose a crash notification system (10, figure 1) coupled to a communication network (figure 1) comprising:

an occupant sensor (36, figure 1) for generating a occupant sensor status signal (37, figure 1; col. 1, line 54 through col. 2, line 55);

a crash sensor (49, figure 1) for generating a crash status signal (50, col. 3, lines 5-19); and

a controller (40) coupled to the occupant sensor and the crash sensor, the controller generating a communication signal (51) corresponding to the occupant sensor status signal and the crash status signal (figure 1; col. 3, lines 5-47).

Regarding claim 5, as mentioned in claim 1 above, Brown et al. disclose the occupant sensor (36) comprising a seat belt switch (34, figure 1) for generating a seat belt status signal (37), the controller (40) generating the communication signal (51)

corresponding to the occupant sensor status signal and the crash status signal (figure 1; col. 3, lines 5-47).

Regarding claim 17, the claimed method steps would have been inherent in the product structure as stated in claim 1 above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4 and 6-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (US 6,142,524).

Duh
Regarding claims 2-4 and 6-8, Brown et al. fail to disclose the occupant sensor comprises a rear seat and a front seat occupant sensor for detecting and generating front and rear seat belt status signal, and the controller generating a communication signal corresponding the crash status signal and the rear and front seat belt signals. As mentioned I claim 1 above, ~~brown et al.~~ Brown et al. disclose the occupant sensor (36) incorporated with a vehicle seat (12) for detecting a belted or an unbelted condition (col. 2, lines 37-55). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the occupant sensor in the rear and front seat for the purpose of detecting the presence of all occupants seated in the vehicle seats in order to generate the occupant information signal to the controller.

Regarding claims 9-11, Brown et al. fail to disclose a front crash sensor generating a front crash signal and a side crash sensor generating a side crash and the controller generating a communication signal corresponding to the occupant sensor and the front and side crash signals. As mentioned in claim 1 above, Brown et al. disclose the crash sensor (49) for generating a crash signal (50) to the controller (40) in response to an impact, wherein the controller generating a communication signal corresponding the occupant sensor and crash status signals. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to utilize a front and side crash sensors for the purpose of generating a front and side crash signals in response to the front or side impact in the accident condition in order to provide a front and side impact signals to the controller in order to indicate the impact conditions upon the accident.

Regarding claims 12-16, refer to claims 1-11 above.

5. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (US 6,142,524) in view of Kimura (US 5,969,598).

Regarding claims 18-20, Brown et al. disclose the instant claimed invention except for: the steps of determining a severity signal from the communication signals when a severity signal is below a first threshold, above a second threshold, and between the first and second threshold in order to deploy no response, high level response, and low level response. Kimura teaches an accident reporting system including an emergency level determining section (21, figure 1) for determining a

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condition of accident and providing a condition of slight-accident/serious accident to an emergency center (5, see abstract). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the emergency level determining section as taught by Kimura in the system as disclosed by Brown et al. for the purpose of providing a full help to the vehicle occupant during a danger condition of a crash event.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mccurdy (US 6,340,928) discloses an emergency assistance system communicating with an emergency station in response to a crash event.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (703) 308-0160. The examiner can normally be reached on Monday-Friday from 7:30am-5:00pm..

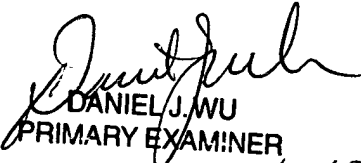
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu, can be reached at (703) 308-6730. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

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November 14, 2003
Tai T. Nguyen
Examiner
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DANIEL J. WU
PRIMARY EXAMINER
11/16/03